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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Clark R. Baker Jr.

Serial No.: 10/796,566

Filed: March 8, 2004

For: PULSE OXIMETER WITH  
ALTERNATE HEART-RATE  
DETERMINATION

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Group Art Unit: 3735

Examiner: Toth, Karen E.

Atty Docket: P0426R  
009103-022600US  
TYHC:0069/FLE/JB

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

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37 C.F.R. 1.8

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October 2, 2007

Date

Jila Bakker

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31 FROM THE DECISION OF THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Appeals and Interferences from the final decision dated July 2, 2007, wherein the Examiner finally rejected all pending claims 1-13 of the above-referenced application.

The Commissioner is authorized to charge the requisite filing fee of \$510.00 for the Notice of Appeal, and any additional fees which may be required to the attached PTO-2038. If the PTO-2038 is missing, if the amount listed thereon is insufficient, or if the amount is unable to be charged to the credit card for any other reason, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. TYHC:0069/FLE/BAK (P0426R).

10/02/2007  
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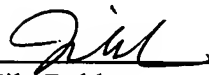
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Respectfully submitted,

Date: October 2, 2007

  
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